

Appl. No. 09/753,229
Amdt. Dated 09/13/2005
Reply to Office Action of June 13, 2005

REMARKS

Claims 1-19, 27, 29-35 and 37-38 are pending in the subject application. Claims 1, 8, 10, 14, 27, 34 and 37 have been amended. Claims 24-26 and 36 have been cancelled without prejudice. Allowance of the pending claims is respectfully requested.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication of allowable subject matter. Claims 8-9, 30, 33 and 36 were objected as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Applicants have amended independent claims 1, 14, 27 and 34 to include limitations of prior dependent claims 9, 33, 36 and 36, respectively. Hence, claims 9, 33 and 36 have been cancelled without prejudice. Applicants respectfully request allowance of independent claims 1, 14, 27 and 34 as well as all claims dependent thereon.

With respect to claim 8, Applicants have amended claim 8 as an independent claim including limitations of prior independent claim 1 including the limitation that the encrypted information using in part the initialization vector is delivered to a second electronic device if the initialization vector falls within the first group. Hence, Applicants respectfully request that independent claim 8 is in condition for allowance.

Rejection Under 35 U.S.C. §102

Claims 1-7, 10-19, 24-27, 29, 31-32, 34-35 and 37-38 were rejected under 35 U.S.C. §102(c) as being anticipated by U.S. Publication No. 2002/0009199 issued to Ala-Laurila, et al. ("Laurila"). Applicants respectfully traverse the rejection and contend that a *prima facie* case of anticipation has not been established.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor

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Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). However, based on the above-identified amendments to independent claims 1, 8, 14, 27 and 34, Applicants respectfully submit that the outstanding § 102(e) rejection has been fully traversed. Withdrawal of the § 102(e) rejection is respectfully requested.

Conclusion

Applicants respectfully request the Examiner to withdraw the outstanding § 102(e) rejection and issue a Notice of Allowance at the Examiner's earliest opportunity.

Respectfully submitted,

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Susan McFarlane

September 13, 2005

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